

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

SUSAN SCHAEFER-LaROSE, on behalf)	
of herself and others similarly situated,)	
)	
Plaintiffs,)	
)	Cause No. 1:07-CV-01133-SEB-TAB
v.)	
)	
ELI LILLY & COMPANY,)	
)	
Defendant.)	

DECLARATION OF STEPHEN A. WEISS

Stephen A. Weiss declares, under penalty of perjury, the following:

1. I am an attorney duly licensed to practice law in the State of New York and am a partner in the Law Offices of Seeger Weiss LLP in New York City, the firm that is lead counsel for the Plaintiffs in the above-captioned action. I am admitted to practice *pro hac vice* before this Court in this case. I have personal knowledge of the matters set forth herein, and would and could testify thereto if called as a witness herein. I submit this Declaration in support of Plaintiffs' surreply pursuant to Local Civil Rule 56.1 and in further opposition to Defendant's motion for summary judgment.

2. Attached hereto are true and correct copies of the following:

- | | |
|------------|--|
| Exhibit 1: | Pertinent Parts of Defendant's Initial Disclosures |
| Exhibit 2: | Excerpt from the Transcript of the June 12, 2008 Rule 30(b)(6) Deposition of James Pumper (filed pursuant to Court's confidentiality provisions) |
| Exhibit 3: | Lilly Incentive Payout Schedule for Lead Plaintiff Susan Schaefer Larose |
| Exhibit 4: | Affidavit of Nickolas D. Mashek |

Exhibit 5: Exhibit V to Plaintiffs' Opposition to Lilly's Motion for Summary Judgment (a revised version with the shaded and illegible portions lightened and made more readable)

I declare under penalty of perjury, under the laws of the United States of America and under the laws of the State of New York, that the foregoing is true and correct.

Executed this 31st day of August, 2009, at New York, New York.

s/ Stephen A. Weiss